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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/489,254 | 01/21/2000 | Robert Wesley Bossemeyer JR. | AMT-9704C | 5614 |

7590 11/26/2002

Law Office of Dale B. Halling
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Colorado Springs, CO 80903

EXAMINER

OPSASNICK, MICHAEL N

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| ART UNIT | PAPER NUMBER |
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2655

DATE MAILED: 11/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/489,254

Applicant(s)

BOSSEMEYER ET AL.

Examiner

Michael N. Opsasnick

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 22-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naik et al (5548647) in view of Higgins (5339385).

As per claims 22, Naik et al (5548647) teaches:

“generating a codebook.....plurality of training utterances” as storing the reference template of enrolled users (col. 5 lines 32-40);

“receiving a plurality.....test utterances” as receiving training utterances (col. 5 lines 32-40);

“comparing...test utterances” as comparing stored utterances with user (col. 5 lines 38-40);

“combining the plurality ...verification decision” as deriving verification score from the averaged Euclidean minimums (fig. 16, subblock 186);

Naik et al (5548647) does not explicitly teach:

“comparing each of the plurality of test utterances to each of a plurality of training utterances”, however, Higgins (5339385) teaches the concept of using non-enrolled user reference speaker data to measure a degree of similarity (Higgins et al, col. 4 lines 51-62). Therefore, it would have been obvious to one of ordinary skill in the art of speaker verification systems to improve upon the invention as taught by Naik et al(5548647) with non-enrolled user reference speaker data, and using such data to determine speaker verification because it would advantageously improve the accuracy of the verification system with yet another constraint (col. 2 lines 3-11).

As per claim 23, Naik et al (5548647) teaches “weighting each.....decisions” as averaging Euclidean minimums (Fig. 16, subblock 184);

As per claim 25, Naik et al (5548647) teaches:

“evaluating a quality.....decisions” as measuring the test template versus the reference template (col. 15 lines 1-9; col. 14 lines 25-34);

As per claim 26, Naik et al (5548647) teaches:

“separating the speaker into a male group and a female group” as pilot data using twenty men and women (col. 14 lines 43-53);

“determining a male variance vector from the male group” as separating the speakers into groups of males and females (col. 2 lines 57-67) and then comparing each user to a template measuring the test template versus the reference template (col. 15 lines 1-9) ;

“determining a female variance vector from the female group” as separating the speakers into groups of males and females (col. 2 lines 57-67) and then comparing each user to a template measuring the test template versus the reference template (col. 15 lines 1-9);

As per claims 27-31, Naik et al (5548647) teaches:

“determining if the speaker....male or female”; “when speaker is male.....utterance for the speaker”; “forming a decision...weighted Euclidean distance” as separating the speakers into groups of males and females (col. 2 lines 57-67) and then comparing each user to a template measuring the test template versus the reference template (col. 15 lines 1-9), and using a minimum Euclidean distance (col. 19, lines 35-42).

3. Claims 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naik et al (5548647) , as applied to claim 22 above, further in view of Young et al (4805222).

As per claim 24, Naik et al (5548647) does not explicitly teach:

“step of weighting.....false alarm....utterances”, however, Young et al (4805222) teaches the calculation of the probability of a false rejection and a false miss (col. 5 lines 35-65, and accompanying Fig. 4), and the use of these probabilities to weight the outcome (col. 15, line 45 - col. 16 line 16) in a verification system. Therefore, it would have been obvious to one of ordinary skill in the art of verification systems to improve the teachings of Naik et al (5548647) with determining probabilities of miss and false alarm because it would advantageously improve the method of analyzing for such errors and therefore lead to a more accurate verification system (Young et al, col. 6 lines 5-11).

Response to Arguments

4. Applicant's arguments filed 9/11/2002 have been fully considered but they are not persuasive. As per applicant's arguments presented with respect to claims 22,29-31, examiner

Art Unit: 2655

argues that the scope of the claim language, “combining the plurality of preliminary decision to form a verification decision” is broad enough for the Higgins reference to be valid. The “determination of whether the claiming speaker....” in the referenced portion of Higgins is a yes/no decision. With respect to the arguments pertaining to reliability, examiner argues that the applicant is arguing the specification, and not the claim language (For further explanation of ‘combining’ by Higgins, see col. 8 lines 29-48 of the Higgins reference). Furthermore, In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

As per the arguments with respect to claims 23-25, Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

As per arguments pertaining to claims 26-28, examiner argues Naik's variance vectors (Fig. 16, subblocks 176-186).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

Art Unit: 2655

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872 9314,

(for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

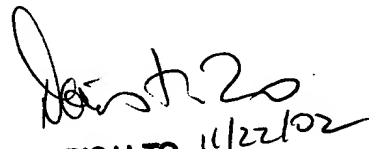
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (703)305-4089, who is available Tuesday-Thursday, 9AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Doris To, can be reached at (703)305-4379. The facsimile phone number for this group is (703)872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (703) 305-4750, the 2600 Customer Service telephone number is (703) 306-0377.

mno

11/20/2002


DORIS H. TO
PRIMARY EXAMINER